

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

ARTHUR COPELAND, et al.,

Plaintiffs,

v.

Case No. 17-CV-564-TCK-JFJ

**C.A.A.I.R., INC., a not-for-profit
corporation**, et al.,

Defendants.

JOINT MOTION FOR PRODUCTION OF DRUG COURT FILES

The parties jointly move the Court for an order, directing the limited release -- to counsel for the respective parties -- of Plaintiffs' (both named and opt-ins) sealed or nonpublic Drug Court files. In support of this Motion, the parties state:

1. Many of the Plaintiffs arrived at CAAIR through the Oklahoma Drug Court system. Under 22 O.S. §§ 471.1(E), 471.9(B), a defendant's Drug Court case file is not open for public inspection without a court order or the defendants' written consent.

2. In its First Request for Production, Simmons asked Plaintiffs to sign authorizations for release of their sealed Drug Court files. It is Simmons' position that these files are likely to contain relevant information showing that (i) Plaintiffs knowingly and voluntarily chose to enter the CAAIR program, (ii) Plaintiffs knowingly and voluntarily chose to remain in the CAAIR program despite having the opportunity to leave at any time, (iii) Plaintiffs and the drug courts knew what the CAAIR program entailed, and (iv) Plaintiffs and the drug courts knew or should've known CAAIR was not a certified treatment program.

3. Plaintiffs originally opposed Simmons' request, arguing that discovery was premature based on the JSR and the Court's January 30 minute order. In response, Simmons moved to compel Plaintiffs' response to this request for production. *See* Dkt. #79.

4. On October 23, 2018, the Court partially granted Simmons' Motion to Compel, ruling that discovery was not stayed under the JSR or the Court's January 30, 2018 minute order. The Court took other discovery issues under advisement and ordered the parties to hold a discovery conference and to file a status report regarding the parties' resulting discovery plan. *See* Dkt. #88.

5. The parties conferenced on October 29, 2018 and reached several agreements regarding discovery. One agreement involves Plaintiffs' sealed Drug Court files. Plaintiffs agreed to disclosure of the of their sealed Drug Court files via an order from this Court and subject to a Stipulated Protective Order proposed by the parties and submitted contemporaneous to this Motion.

6. To expedite production of the Drug Court files, the parties request that the Court enter an Order directing the limited release of all sealed drug court files for each of the Plaintiffs (both named and opt-ins) to counsel for the respective parties. Any Drug Court files produced pursuant to that Order would be deemed "CONFIDENTIAL", and treated as such by all parties, under the Stipulated Protective Order.

7. The parties move that the Court enter the proposed order submitted with this Motion.

WHEREFORE, the parties move the Court for an order directing the limited release of Plaintiffs' sealed or nonpublic Drug Court files, as set forth in the proposed order submitted herewith.

Respectfully submitted,

/s/ David A. Warta

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